

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

DAVID SAMUEL CRENWELGE,

Plaintiff,

-vs-

FIFTH JUDICIAL DISTRICT OF  
THE STATE OF OKLAHOMA,

Defendant.

Case No. CIV-23-106-F

**ORDER**

Plaintiff David Samuel Crenwelge commenced this civil action by filing a complaint seeking monetary relief pursuant to 42 U.S.C. § 1983. The matter was referred to United States Magistrate Judge Amanda Maxfield Green for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B) and (C). After reviewing plaintiff's complaint pursuant to 28 U.S.C. § 1915A(a) and 28 U.S.C. § 1915(e)(2)(B), Magistrate Judge Green issued a Report and Recommendation (doc. no. 7), recommending the court dismiss plaintiff's complaint without prejudice. Magistrate Judge Green took judicial notice that the address provided for defendant was that of the Stephens County District Court, and relying upon Edwards v. Whetsel, No. CIV-08-134-F, 2009 WL 368487, at \*4 (W.D. Okla. Feb. 13, 2009), concluded that plaintiff's claims against the Stephens County District Court, an arm of the State of Oklahoma, were barred by the Eleventh Amendment. Magistrate Judge Green also concluded that to the extent that plaintiff's claims could be construed as claims against Stephens County Judge G. Brent Russell, such claims would be barred by the doctrine of absolute judicial immunity, as plaintiff had not

alleged any facts suggesting that Judge Russell acted “in the clear absence of all jurisdiction.” *See*, doc. no. 7, at ECF p. 5 (quoting Edwards, 2009 WL 368487, at \*4). Magistrate Judge Green advised plaintiff of his right to file an objection to the Report and Recommendation on or before March 1, 2023.

The court is in receipt of an untitled document from plaintiff stating he “requests to object.” *See*, doc. no. 9. The document was filed of record by the court clerk on February 24, 2023. *Id.* In the document, plaintiff also requests the court to accept the supplemental pleading previously mailed to the court. That supplemental pleading was received by court clerk and filed of record on February 17, 2023. *See*, doc. no. 8. According to plaintiff, his supplemental pleading was mailed to show “the neglectful nature on part of the Fifth Judicial District of the State of Oklahoma, furthermore the Entity that is being alleged of violating civil rights of the Plaintiff, due to what the Plaintiff believes to be relevant to his poverty level and incarceration and very much oppressive.” *Id.* at p. 1.

The court construes the untitled document and the supplemental pleading (doc. nos. 8 and 9) as plaintiff’s timely objection to the Report and Recommendation. Pursuant to 28 U.S.C. § 636(b)(1), the court has conducted a *de novo* review. The court concurs with the analysis of Magistrate Judge Green. The court finds plaintiff’s filings provide no basis to avoid dismissal without prejudice of plaintiff’s complaint on the grounds stated by Magistrate Judge Green. Therefore, the court accepts, adopts, and affirms the Report and Recommendation in its entirety.

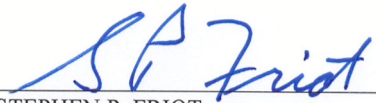
Accordingly, the Report and Recommendation (doc. no. 7) issued by United States Magistrate Judge Amanda Maxfield Green is **ACCEPTED, ADOPTED, and AFFIRMED.**

Plaintiff David Samuel Crenwelge’s complaint against defendant Fifth Judicial District of the State of Oklahoma is **DISMISSED WITHOUT**

**PREJUDICE** pursuant to 28 U.S.C. § 1915A(b)(2) and 28 U.S.C. § 1915(e)(2)(B)(iii).

A judgment shall issue separately.

DATED this 28<sup>th</sup> day of February, 2023.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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